



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,066	09/28/2000	Charles P. Roth	10559-293001/P9300-ADI	2845

20985 7590 01/24/2005

FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

MEONSKE, TONIA L

ART UNIT PAPER NUMBER

2183

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/675,066

**Applicant(s)**

ROTH ET AL.

**Examiner**

Tonia L Meonske

**Art Unit**

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-16,18-26,28,29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-16,18-26,28,29 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-16, 18-26, 28, 29, 31-34, and 36-39 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Alidina et al., US Patent 5,991,785.

3. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on August 13, 2004.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alidina et al., US Patent 5,991,785, in view of Simultaneous Address Relocation and Correction, IBM Technical Disclosure Bulletin, November 1964, Volumn 7, issue 6 (herein after "IBM"). Aldina et al. have taught the method of claim 1, comprising determining an address of an extreme value based on a value in a pointer register. Aldina et al. have not specifically taught that the determining is based

Art Unit: 2183

on a correction factor to compensate for one or more errors. However, IBM has taught determining an address based on a correction factor to compensate for one or more errors (IBM, third paragraph) for the desirable purpose of correcting addresses that must be corrected caused by certain machine functions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the determining in Aldina et al. be based on a correction factor to compensate for one or more errors, as taught by IBM, for the desirable purpose of correcting addresses that must be corrected caused by certain machine functions (IBM, third paragraph).

### ***Response to Arguments***

6. Applicant's arguments filed with respect to claims 1-3, 5-16, 18-26, 28, 29, 31-34, and 36-39 on November 15, 2004 have been fully considered but they are not persuasive.

7. On pages 14 and 15, Applicant argues in essence:

*"Aldina neither teaches nor suggests "pointer registers to store addresses of extreme data quantities in the array of N data elements," as recited in claim 1. ... That is Aldina does not use pointer registers pointing to an address of an extreme value in the array. Instead, Aldina tracks the counting variable "i," which is related to the relative position in the array which has the extreme value."*

However, Aldina has taught pointer registers to store addresses of extreme data quantities in the array of N data elements. An address is merely a location in a memory. In Aldina, the array data in memory is the memory (column 4, lines 22-34). In Aldina MIN\_INDEX is the location, or address, of the extreme value (column 4, lines 22-34). So Aldina has in fact taught pointer registers to store addresses (MIN\_INDEX is a location in the array data memory) of extreme data quantities (column 4, lines 22-34) in the array of N data elements (Column 4, lines 37-40). Therefore this argument is moot.

Art Unit: 2183

8. On page 15, Applicant argues in essence:

*“Further it would not have been obvious to modify Aldina to use pointer registers rather than storing the counting variable “i” to determine location information. There is no motivation to do so.”*

However, there is no need to modify Aldina to use pointer registers as Aldina has taught the register pointers as claimed. See the previous argument above. Therefore this argument is moot.

9. On page 17, Applicant argues in essence:

*“Claims 37 and 38 are further patentable because Aldina neither teaches nor suggests identifying a location of a last occurrence of a minimum or maximum in an array. Aldina teaches identifying the location of a first occurrence of a minimum or maximum in an array. In Aldina, the counter is updated as the elements of the array are compared to the running extremum. When an element replaces the current running extremum, the value of the counter corresponding to that element is stored. At the end of the comparison, if the extreme value occurs more than once in the array, only the location of its first occurrence is determined.”*

Applicant may be correct in that if the extreme value occurs more than once in the array, only the location of its first occurrence is determined. However, in Aldina, when the extreme value occurs only once in the array, then Aldina has taught a position of a last occurrence of a minimum value in the array (Column 4, line 22-column 5, line 44). Therefore this argument is moot.

#### ***Allowable Subject Matter***

10. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Art Unit: 2183

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

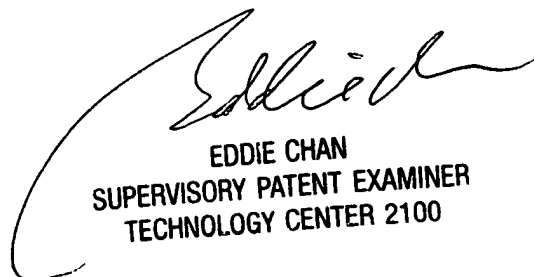
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, 8-4:30.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2183

tlm



EDDIE CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100